HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI

Writ Petition No. 10944 of 1998

Between:

N. Prakasa Rao

... Petitioner

And

Vice Chairman & Managing Director,
APSRTC, Hyderabad & others

... Respondents

:: O R D E R ::

Counsel for the petitioner : Shri G. Vidya Sagar

Counsel for the respondents : Shri R. Manmadha Reddy

June 13, 2007

This petition is directed against order dated 26.03.1998 vide which Personal Officer, Andhra Pradesh State Road Transport Corporation, Vijayawada Region confirmed action proposed to be taken vide show cause notice dated 19.03.1998 and ordered recovery of Rs.40,116-45 from the petitioner's pay.

The petitioner joined the service of the Andhra Padesh State Road Transport Corporation (for short, 'the Corporation') as driver on 01.04.1972. He was promoted as Assistant Depot Clerk on

20.12.1980. He was further promoted as Depot Clerk in December 1996. Vide proceedings No. P1/145(34)/91-DVM(M) dated 06.07.1992, the Divisional Manager stepped up the petitioner's pay because his juniors were being paid higher emoluments. After six years, Personal Officer issued show cause notice dated 19.03.1998 to the petitioner proposing to recover Rs.40,116.45 from his pay on the ground that as per the audit report, he was not entitled to the benefit of stepping up of pay. The petitioner filed reply dated 22.03.1998 stating therein that his pay was rightly stepped up because person junior to him was drawing higher emoluments. Thereafter, the Personal Officer issued order dated 26.03.1998 and ordered recovery of Rs.40,116.45 from the petitioner's salary in 12 equal instalments commencing from April 1998.

I have heard learned counsel for the parties and perused the record. In my opinion, the writ petition deserves to be disposed of with a direction to the competent authority to reconsider the issue of stepping up of the petitioner's pay and decide the same afresh after giving opportunity to him to make another representation and considering the same in the context of the relevant regulations and administrative circulars.

The aforesaid course is being adopted by me because show cause notice dated 19.03.1998 issued by the Personal officer is conspicuously silent about the reason for withdrawal of the benefit of stepping up of pay granted to the petitioner by the then Divisional Manager, Machilipatnam Depot. The final order also does not contain any reason why the benefit of stepping up of pay sanctioned by the Divisional Manager was withdrawn.

During the course of hearing, learned counsel for the parties made an attempt to convince the Court that the case projected by their respective clients is right, but even after spending quite some time, I have not found it possible to comprehensively adjudicate on the issue.

Hence, the writ petition is disposed of with the following

directions:

(1) Within one month from today, the petitioner shall make fresh representation against the proposed withdrawal of the benefit of stepping up of pay and

(2) Within next one month, the competent authority shall, after hearing the petitioner, pass a reasoned order in the matter of withdrawal of the benefit of stepping up of pay sanctioned in his favour by the Divisional Manager.

As a sequel to disposal of the writ petition, W.P.M.P.No.13285 of 1998 filed by the petitioner is disposed of as infructuous.

G.S. SINGHVI, CJ

13.06.2007
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